

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

LUIS ALEJANDRO GARZA,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

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Civil Action No. B-02-154

**DEFENDANT'S RESPONSE OF NON-OPPOSITION TO PLAINTIFF'S MOTION FOR
GOVERNMENT TO PRODUCE INMATE WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Defendant herein, does not oppose "Plaintiff's Motion for Government to Produce Inmate Witnesses." However, Defendant respectfully prays that should this Court desire that writs be issued from the United States Attorney's Office, that it issue an order directing same.

In addition, in the event that the Government is successful at the conclusion of this litigation, Defendant desires to reserve any argument it may have supporting the position that the Plaintiff be required to reimburse the Government for any costs incurred to produce these witnesses.

Respectfully submitted,

DONALD J. DeGABRIELLE, JR.
United States Attorney

/s/ Nancy L. Masso
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the true and foregoing "Defendant's Response of Non-Opposition to Plaintiff's Motion for Government to Produce Inmate Witnesses" was mailed on this the 3rd day of September, 2006 via Certified Mail, Return Receipt Requested to Barry R. Benton, Attorney at Law, 284 Ebony Avenue, Brownsville, TX 78520.

/s/Nancy L. Masso
NANCY L. MASSO
Assistant United States Attorney